

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:19-cv-00449-RDM**

GOVERNMENT ACCOUNTABILITY PROJECT v. U.S.
DEPARTMENT OF STATE et al
Assigned to: Judge Randolph D. Moss
Cause: 05:552 Freedom of Information Act

Date Filed: 02/22/2019
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

**GOVERNMENT ACCOUNTABILITY
PROJECT**

represented by **Conor M. Shaw**
CITIZENS FOR RESPONSIBILITY AND
ETHICS IN WASHINGTON
1101 K Street, NW
Suite 201
Washington, DC 20005
(202) 408-5565
Fax: (202) 588-5020
Email: cshaw@citizensforethics.org
ATTORNEY TO BE NOTICED

Anne L. Weismann
CITIZENS FOR RESPONSIBILITY AND
ETHICS IN WASHINGTON
1101 K Street, NW
Suite 201
Washington, DC 20005
(202) 408-5565
Fax: (202) 588-5020
Email: aweismann@citizensforethics.org
ATTORNEY TO BE NOTICED

V.

Defendant

U.S. DEPARTMENT OF STATE

represented by **Patricia K. McBride**
U.S. ATTORNEY'S OFFICE FOR THE
DISTRICT OF COLUMBIA
555 Fourth Street, NW
Washington, DC 20530
(202) 252-7123
Fax: (202) 252-2599
Email: patricia.mcbride@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

**CENTRAL INTELLIGENCE
AGENCY**

represented by **Patricia K. McBride**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

**U.S. DEPARTMENT OF
COMMERCE**

represented by **Patricia K. McBride**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

**U.S. DEPARTMENT OF THE
TREASURY**

represented by **Patricia K. McBride**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

U.S. DEPARTMENT OF DEFENSE

represented by **Patricia K. McBride**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

U.S. DEPARTMENT OF ENERGY

represented by **Patricia K. McBride**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
02/22/2019	<u>1</u>	COMPLAINT against All Defendants (Filing fee \$ 400 receipt number 0090-5961046) filed by GOVERNMENT ACCOUNTABILITY PROJECT. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Summons Attorney General, # <u>3</u> Summons U.S. Attorney, # <u>4</u> Summons Department of State, # <u>5</u> Summons CIA, # <u>6</u> Summons Department of Commerce, # <u>7</u> Summons Department of the Treasury, # <u>8</u> Summons Department of Defense, # <u>9</u> Summons Department of Energy)(Weismann, Anne) (Entered: 02/22/2019)
02/22/2019	<u>2</u>	LCvR 26.1 CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests by GOVERNMENT ACCOUNTABILITY PROJECT (Weismann, Anne) (Entered: 02/22/2019)
02/22/2019		Case Assigned to Judge Randolph D. Moss. (zef,) (Entered: 02/22/2019)
02/22/2019	<u>3</u>	SUMMONS (8) Issued Electronically as to CENTRAL INTELLIGENCE AGENCY, U.S. DEPARTMENT OF COMMERCE, U.S. DEPARTMENT OF DEFENSE, U.S. DEPARTMENT OF ENERGY, U.S. DEPARTMENT OF STATE, U.S. DEPARTMENT OF THE TREASURY, U.S. Attorney and U.S. Attorney General. (Attachments: # <u>1</u> Notice and Consent)(zef,) (Entered: 02/22/2019)
02/24/2019	<u>4</u>	STANDING ORDER: The parties are hereby ORDERED to comply with the directives set forth in the attached Standing Order. See document for details. Signed by Judge Randolph D. Moss on 2/24/2019. (lcrdm3,) (Entered: 02/24/2019)
03/14/2019	<u>5</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. CENTRAL INTELLIGENCE AGENCY served on 3/5/2019; U.S. DEPARTMENT OF COMMERCE served on 3/4/2019; U.S. DEPARTMENT OF DEFENSE served on 3/4/2019; U.S. DEPARTMENT OF ENERGY served on 3/4/2019; U.S. DEPARTMENT OF STATE served on 3/5/2019; U.S. DEPARTMENT OF THE TREASURY served on 3/4/2019, RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 3/4/2019. (Answer due for ALL FEDERAL DEFENDANTS by 4/3/2019.), RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 3/5/19. (Weismann, Anne) (Entered: 03/14/2019)
03/28/2019	<u>6</u>	ERRATA by GOVERNMENT ACCOUNTABILITY PROJECT <u>5</u> Summons Returned Executed as to Federal Defendant,, Summons Returned Executed in FOIA as to U.S. Attorney,, Summons Returned Executed as to U.S. Attorney General,,. (Attachments: # <u>1</u> Errata)(Weismann, Anne) (Entered: 03/28/2019)
03/28/2019	<u>7</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. U.S. DEPARTMENT OF STATE served on 3/25/2019; (See docket entry no. <u>6</u> to view.) (ztd) (Entered: 03/28/2019)

04/03/2019	<u>8</u>	Unopposed MOTION for Extension of Time to File Answer by CENTRAL INTELLIGENCE AGENCY, U.S. DEPARTMENT OF COMMERCE, U.S. DEPARTMENT OF DEFENSE, U.S. DEPARTMENT OF ENERGY, U.S. DEPARTMENT OF STATE, U.S. DEPARTMENT OF THE TREASURY (McBride, Patricia) (Entered: 04/03/2019)
04/03/2019		MINUTE ORDER: Upon consideration of Defendants' unopposed motion for extension of time <u>8</u> , it is hereby ORDERED that the motion is GRANTED. Defendants shall answer or otherwise respond on or before May 15, 2019. Signed by Judge Randolph D. Moss on 4/3/2019. (lcrdm3,) (Entered: 04/03/2019)
04/03/2019		Set/Reset Deadlines: Defendants shall answer or otherwise respond on or before 5/15/2019. (kt) (Entered: 04/03/2019)
05/15/2019	<u>9</u>	Unopposed MOTION for Extension of Time to File Answer by CENTRAL INTELLIGENCE AGENCY, U.S. DEPARTMENT OF COMMERCE, U.S. DEPARTMENT OF DEFENSE, U.S. DEPARTMENT OF ENERGY, U.S. DEPARTMENT OF STATE, U.S. DEPARTMENT OF THE TREASURY (McBride, Patricia) (Entered: 05/15/2019)
05/16/2019		MINUTE ORDER: Upon consideration of Defendants' motion for extension of time <u>9</u> , it is hereby ORDERED that the motion is GRANTED. Defendants shall answer or otherwise respond to Plaintiff's complaint on or before May 24, 2019. Signed by Judge Randolph D. Moss on 5/16/2019. (lcrdm3,) (Entered: 05/16/2019)
05/16/2019		Set/Reset Deadlines: Defendants shall answer or otherwise respond to Plaintiff's complaint on or before 5/24/2019 (kt) (Entered: 05/16/2019)
05/24/2019	<u>10</u>	ANSWER to Complaint by CENTRAL INTELLIGENCE AGENCY, U.S. DEPARTMENT OF COMMERCE, U.S. DEPARTMENT OF DEFENSE, U.S. DEPARTMENT OF ENERGY, U.S. DEPARTMENT OF STATE, U.S. DEPARTMENT OF THE TREASURY.(McBride, Patricia) (Entered: 05/24/2019)
05/24/2019		MINUTE ORDER: The parties are hereby ORDERED to appear for an Initial Scheduling Conference on June 24, 2019, at 3:30 p.m. in Courtroom 21. It is further ORDERED that the parties shall confer in advance of the Initial Scheduling Conference on (1) whether any records can be released, and (2) the proper next steps in this litigation. Signed by Judge Randolph D. Moss on 5/24/2019. (lcrdm3,) (Entered: 05/24/2019)
05/24/2019		Set/Reset Hearings: Initial Scheduling Conference set for 6/24/2019, at 3:30 PM, in Courtroom 21, before Judge Randolph D. Moss. (kt) (Entered: 05/24/2019)
06/03/2019	<u>11</u>	NOTICE of Appearance by Conor M. Shaw on behalf of GOVERNMENT ACCOUNTABILITY PROJECT (Shaw, Conor) (Entered: 06/03/2019)
06/19/2019	<u>12</u>	Unopposed MOTION to Continue <i>Reschedule Status Conference</i> by CENTRAL INTELLIGENCE AGENCY, U.S. DEPARTMENT OF COMMERCE, U.S. DEPARTMENT OF DEFENSE, U.S. DEPARTMENT OF ENERGY, U.S. DEPARTMENT OF STATE, U.S. DEPARTMENT OF THE TREASURY (McBride, Patricia) Modified event title on 6/21/2019 (znmw). (Entered: 06/19/2019)
06/20/2019		MINUTE ORDER: Upon consideration of Defendants' unopposed motion to reschedule status conference <u>12</u> , it is hereby ORDERED that the motion is GRANTED. The initial scheduling conference set for June 24, 2019 is hereby VACATED and RESCHEDULED for July 1, 2019 at 10:00 a.m. in Courtroom 21. Signed by Judge Randolph D. Moss on 6/20/2019. (lcrdm3,) Modified on 6/20/2019 to correct hearing type (kt). (Entered: 06/20/2019)
06/20/2019		Set/Reset Hearings: The Initial Scheduling Conference set for 6/24/2019 is VACATED and RESCHEDULED for 7/1/2019, at 10:00 AM, in Courtroom 21, before Judge Randolph D. Moss. (kt) Modified on 6/20/2019 to correct hearing type (kt). (Entered: 06/20/2019)
06/21/2019	<u>13</u>	Unopposed MOTION to Continue <i>Status Conference</i> by GOVERNMENT ACCOUNTABILITY PROJECT (Attachments: # <u>1</u> Text of Proposed Order)(Weismann, Anne) (Entered: 06/21/2019)

06/24/2019		MINUTE ORDER: Upon consideration of Defendants' unopposed motion to continue status conference <u>13</u> , it is hereby ORDERED that the motion is GRANTED. The initial scheduling conference set for July 1, 2019 is hereby VACATED and RESCHEDULED for July 10, 2019 at 10:00 a.m. in Courtroom 21. Signed by Judge Randolph D. Moss on 6/24/2019. (lcrdm3,) Modified on 6/26/2019 to correct hearing type (kt). (Entered: 06/24/2019)
06/24/2019		Set/Reset Hearings: The Initial Scheduling Conference set for 7/1/2019 is VACATED and RESCHEDULED for 7/10/2019, at 10:00 AM, in Courtroom 21, before Judge Randolph D. Moss. (kt) Modified on 6/26/2019 to correct hearing type (kt). (Entered: 06/24/2019)
07/10/2019		Minute Entry for proceedings held before Judge Randolph D. Moss: Initial Scheduling Conference held on 7/10/2019. For the reasons stated on the record, a Joint Status Report, which shall include a proposed final production schedule and proposed briefing schedule, is due by 8/9/2019. (Court Reporter: Jeff Hook.) (kt) (Entered: 07/10/2019)
08/08/2019	<u>14</u>	<p>TRANSCRIPT OF INITIAL SCHEDULING CONFERENCE before Judge Randolph D. Moss held on July 10, 2019. Page Numbers: 1 – 16. Date of Issuance: August 8, 2019. Court Reporter: Jeff Hook. Telephone number: 202–354–3373. Transcripts may be ordered by submitting the <u>Transcript Order Form</u></p> <p>For the first 90 days after this filing date, the transcript may be viewed at the courthouse at a public terminal or purchased from the court reporter referenced above. After 90 days, the transcript may be accessed via PACER. Other transcript formats, (multi–page, condensed, CD or ASCII) may be purchased from the court reporter.</p> <p>NOTICE RE REDACTION OF TRANSCRIPTS: The parties have twenty–one days to file with the court and the court reporter any request to redact personal identifiers from this transcript. If no such requests are filed, the transcript will be made available to the public via PACER without redaction after 90 days. The policy, which includes the five personal identifiers specifically covered, is located on our website at www.dcd.uscourts.gov.</p> <p>Redaction Request due 8/29/2019. Redacted Transcript Deadline set for 9/8/2019. Release of Transcript Restriction set for 11/6/2019.(Hook, Jeff) (Entered: 08/08/2019)</p>
08/09/2019	<u>15</u>	Joint STATUS REPORT by CENTRAL INTELLIGENCE AGENCY, U.S. DEPARTMENT OF COMMERCE, U.S. DEPARTMENT OF DEFENSE, U.S. DEPARTMENT OF ENERGY, U.S. DEPARTMENT OF STATE, U.S. DEPARTMENT OF THE TREASURY. (McBride, Patricia) (Entered: 08/09/2019)
08/21/2019		MINUTE ORDER: The parties are hereby ORDERED to appear for a status conference on September 4, 2019 at 3:30 p.m., in Courtroom 21. It is further hereby ORDERED that the parties shall confer in advance of the status conference on (1) a briefing schedule concerning the request to the Central Intelligence Agency, and (2) the proper next steps in this litigation. Signed by Judge Randolph D. Moss on 08/21/19. (lcrdm3,) (Entered: 08/21/2019)
08/21/2019		Set/Reset Hearings: Status Conference set for 9/4/2019, at 3:30 PM, in Courtroom 21, before Judge Randolph D. Moss. (kt) (Entered: 08/21/2019)
09/04/2019		Minute Entry for proceedings held before Judge Randolph D. Moss: Status Conference held on 9/4/2019. Each Defendant, with the exception of the Central Intelligence Agency, shall start to produce records on a rolling basis, commencing this month and continuing each month thereafter, processing at least 600 pages of records per month. The parties shall meet and confer as to prioritizing the various requests. Joint Status Reports are due on the last business day of the month, with the first being due by 9/30/2019. Defendants' Summary Judgment motion is due by 10/18/2019; Plaintiff's Opposition and Cross Motions is due by 11/1/2019; Defendants' Reply and Opposition to the Cross Motions is due by 11/15/2019; Plaintiff's Final Reply, if any, is due 11/22/2019. (Court Reporter Jeff Hook.) (kt) (Entered: 09/04/2019)
09/10/2019	<u>16</u>	TRANSCRIPT OF STATUS CONFERENCE before Judge Randolph D. Moss held on September 4, 2019. Page Numbers: 1 – 45. Date of Issuance: September 10, 2019. Court Reporter: Jeff Hook. Telephone number: 202–354–3373. Transcripts may be

		<p>ordered by submitting the <u>Transcript Order Form</u></p> <p>For the first 90 days after this filing date, the transcript may be viewed at the courthouse at a public terminal or purchased from the court reporter referenced above. After 90 days, the transcript may be accessed via PACER. Other transcript formats, (multi–page, condensed, CD or ASCII) may be purchased from the court reporter.</p> <p>NOTICE RE REDACTION OF TRANSCRIPTS: The parties have twenty–one days to file with the court and the court reporter any request to redact personal identifiers from this transcript. If no such requests are filed, the transcript will be made available to the public via PACER without redaction after 90 days. The policy, which includes the five personal identifiers specifically covered, is located on our website at www.dcd.uscourts.gov.</p> <p>Redaction Request due 10/1/2019. Redacted Transcript Deadline set for 10/11/2019. Release of Transcript Restriction set for 12/9/2019.(Hook, Jeff) (Entered: 09/10/2019)</p>
09/30/2019	<u>17</u>	Joint STATUS REPORT by U.S. DEPARTMENT OF COMMERCE, U.S. DEPARTMENT OF DEFENSE, U.S. DEPARTMENT OF ENERGY, U.S. DEPARTMENT OF STATE, U.S. DEPARTMENT OF THE TREASURY. (McBride, Patricia) (Entered: 09/30/2019)
10/01/2019	<u>18</u>	MOTION to Compel <i>Defendant Department of Commerce's Compliance with the Court's Sept. 4, 2019 Order</i> , MOTION for Sanctions by GOVERNMENT ACCOUNTABILITY PROJECT (Attachments: # <u>1</u> Text of Proposed Order)(Shaw, Conor) (Entered: 10/01/2019)
10/02/2019		MINUTE ORDER: It is hereby ORDERED that the Defendant shall file its opposition to Plaintiff's motion to compel <u>18</u> on or before October 7, 2019. Signed by Judge Randolph D. Moss on 10/2/19. (lcrdm3,) (Entered: 10/02/2019)
10/07/2019		Set/Reset Deadlines: Responses due by 10/7/2019. (kt) (Entered: 10/07/2019)
10/07/2019	<u>19</u>	Unopposed MOTION for Extension of Time to <i>File an Opposition to Plaintiff's Motion to Compel</i> by CENTRAL INTELLIGENCE AGENCY, U.S. DEPARTMENT OF COMMERCE, U.S. DEPARTMENT OF DEFENSE, U.S. DEPARTMENT OF ENERGY, U.S. DEPARTMENT OF STATE, U.S. DEPARTMENT OF THE TREASURY (McBride, Patricia) (Entered: 10/07/2019)
10/07/2019		MINUTE ORDER: Upon consideration of Defendants' unopposed motion for an extension of time <u>19</u> , it is hereby ORDERED that the motion is GRANTED. Defendants shall file their opposition to Plaintiff's motion to compel <u>18</u> on or before October 9, 2019. Signed by Judge Randolph D. Moss on 10/7/19. (lcrdm3,) (Entered: 10/07/2019)
10/07/2019		Set/Reset Deadlines: Defendants shall file their opposition to Plaintiff's motion to compel <u>18</u> on or before 10/9/2019. (kt) (Entered: 10/07/2019)
10/09/2019	<u>20</u>	Memorandum in opposition to re <u>18</u> MOTION to Compel <i>Defendant Department of Commerce's Compliance with the Court's Sept. 4, 2019 Order</i> MOTION for Sanctions filed by U.S. DEPARTMENT OF COMMERCE. (Attachments: # <u>1</u> Declaration)(McBride, Patricia) (Entered: 10/09/2019)
10/17/2019	<u>21</u>	Unopposed MOTION for Extension of Time to File by CENTRAL INTELLIGENCE AGENCY (McBride, Patricia) (Entered: 10/17/2019)
10/18/2019		MINUTE ORDER: Upon consideration of Defendant Central Intelligence Agency's unopposed motion for extension of time <u>21</u> , it is hereby ORDERED that the motion is GRANTED. Defendants motion for summary judgment shall be filed on or before November 1, 2019. Plaintiffs opposition and cross–motion, if any, shall be filed on or before November 15, 2019. Defendants reply shall be due on or before December 6, 2019. Signed by Judge Randolph D. Moss on 10/18/19. (lcrdm3) (Entered: 10/18/2019)
10/18/2019		Set/Reset Deadlines: Plaintiff's Cross Motion due by 11/15/2019. Defendants' Summary Judgment Motion due by 11/1/2019. Response to Motion for Summary Judgment due by 11/15/2019. Reply to Motion for Summary Judgment due by

		12/6/2019. (dot) (Entered: 10/21/2019)
10/31/2019	<u>22</u>	STATUS REPORT by CENTRAL INTELLIGENCE AGENCY, U.S. DEPARTMENT OF COMMERCE, U.S. DEPARTMENT OF DEFENSE, U.S. DEPARTMENT OF ENERGY, U.S. DEPARTMENT OF STATE, U.S. DEPARTMENT OF THE TREASURY. (McBride, Patricia) (Entered: 10/31/2019)
11/01/2019	<u>23</u>	ENTERED IN ERROR. . . .MOTION for Partial Summary Judgment by CENTRAL INTELLIGENCE AGENCY, U.S. DEPARTMENT OF COMMERCE, U.S. DEPARTMENT OF DEFENSE, U.S. DEPARTMENT OF ENERGY, U.S. DEPARTMENT OF STATE, U.S. DEPARTMENT OF THE TREASURY (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Statement of Facts, # <u>3</u> Declaration, # <u>4</u> Text of Proposed Order)(McBride, Patricia) Modified on 11/1/2019 (ztd). (Entered: 11/01/2019)
11/01/2019		NOTICE OF ERROR re <u>23</u> Motion for Partial Summary Judgment; emailed to patricia.mcbride@usdoj.gov, cc'd 9 associated attorneys -- The PDF file you docketed contained errors: 1. Please refile document, 2. Documents attached to the motion are for 17cv2090. (ztd,) (Entered: 11/01/2019)
11/01/2019	<u>24</u>	MOTION for Partial Summary Judgment by CENTRAL INTELLIGENCE AGENCY, U.S. DEPARTMENT OF COMMERCE, U.S. DEPARTMENT OF DEFENSE, U.S. DEPARTMENT OF ENERGY, U.S. DEPARTMENT OF STATE, U.S. DEPARTMENT OF THE TREASURY (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Statement of Facts, # <u>3</u> Declaration, # <u>4</u> Text of Proposed Order)(McBride, Patricia) (Entered: 11/01/2019)
11/01/2019		MINUTE ORDER: In light of Defendants' status report <u>22</u> , it is hereby ORDERED that Defendants shall file their next status report on or before December 5, 2019. Signed by Judge Randolph D. Moss on 11/1/19. (lcrdm3,) (Entered: 11/01/2019)
11/15/2019	<u>25</u>	Memorandum in opposition to re <u>24</u> MOTION for Partial Summary Judgment filed by GOVERNMENT ACCOUNTABILITY PROJECT. (Attachments: # <u>1</u> Statement of Facts)(Weismann, Anne) (Entered: 11/15/2019)
11/15/2019	<u>26</u>	Partial MOTION for Summary Judgment by GOVERNMENT ACCOUNTABILITY PROJECT (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Statement of Facts, # <u>3</u> Text of Proposed Order)(Weismann, Anne) (Entered: 11/15/2019)
11/25/2019		MINUTE ORDER: In light of the Department of Commerce's belated review of 600 pages of records for the month of September, as well as its compliance with that Court-ordered pace of review for the month of October, <i>see</i> Dkt. <u>22</u> at 2, it is hereby ORDERED that Plaintiff's motion to compel, Dkt. <u>18</u> , is DENIED as moot. Signed by Judge Randolph D. Moss on 11/25/19. (lcrdm3,) (Entered: 11/25/2019)